

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANN KENNEDY,

Plaintiff,

vs.

MENARD, INC.,

Defendant.

8:21CV126

**FINAL PROGRESSION ORDER
(AMENDED)**

IT IS ORDERED that the parties' joint motion to continue progression deadlines is granted. (Filing No. 28). The unexpired deadlines in the final progression order are amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings set for April 12, 2022 is continued and will be held with the undersigned magistrate judge on **June 14, 2022 at 11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is April 22, 2022. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by May 6, 2022.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	May 20, 2022.
For the defendant(s):	June 20, 2022.

- 4) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	May 31, 2022.
For the defendant(s):	July 6, 2022.
Plaintiff(s)' rebuttal:	August 3, 2022.
Defendant's rebuttal:	September 1, 2022.

- 5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is October 3, 2022.
- 6) The deadline for filing motions for judgment on the pleadings is October 10, 2022. The deadline for filing motions to dismiss and motions for summary judgment is November 28, 2022.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is November 28, 2022.
- 8) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 10) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 3rd day of February, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge